IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 620 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NARENDRA DURLABHDAS KOTECHA

Versus

RANMAL DEVANAND SISODIYA

Appearance:

1. Civil Revision Application No. 620 of 1998

NANAVATY ADVOCATES for Petitioner No. 1-2

RULE SERVED for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 03/03/2004

ORAL JUDGEMENT

The petitioners are the original defendants of Regular Civil Suit No.136/1998. The said suit is filed by the respondents herein, which is pending in the Court

of Civil Judge (S.D.) Junagadh. As per the averment in the petition, the said suit is in the nature of Public Interest Litigation and that an application under Section 91 (1) (b) of Civil Procedure Code was presented and the same was granted by the trial Judge. According to the petitioners, they have filed objections against the said application and the trial Court also granted order of appointment of Commissioner for local inspection. The petitioners have challenged the said order of the trial Court by way of this revision and a prayer is made to stay the appointment of Commissioner for some time.

2) Considering the prayer of the petitioners, it is clear that the petitioners-original defendants are challenging interlocutory orders passed in the aforesaid suit. The orders in question are not revisable by this Court in its jurisdiction under Section 115 of C.P.C. This revision application is, therefore, rejected as the same is not entertainable by this Court. Interim relief stands vacated. If the petitioners have any grievance against the order of the trial Court, it will be open for them to take out appropriate proceedings by filing a petition under Article 227 of the Constitution of India.

3) Accordingly, this Civil Revision Application is rejected as not entertainable. Rule is discharged. No order as to costs.

(P.B.Majmudar,J.)

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